

GOVERNMENT OF TELANGANA
A B S T R A C T

Municipal Administration and Urban Development Department – Residential accommodation – Private Building bearing Plot No.20, House No.10.2.177, Westmaredpally, Secunderabad belonging into landlord Sri R.B.Parasmal Ranka allotted to Sri G.P.Vinod Kumar, Sub-inspector of Police (Now DSP) – Allotment cancelled – W.P.No.16206 of 2008 dismissed – Writ Appeal No.758 of 2011 against Directions to vacate the premises filed – Writ Appeal Disposed with directions to hear the parties – Parties heard – Final orders – Issued.

MUNICIPAL ADMINISTRATION & URBAN DEVELOPMENT (UBS) DEPARTMENT

G.O.RT.No. 554

Dated: 08-08-2016
Read the following:

1. Govt.Memo No.165/Accom.(A1)/87-14, dated 16.06.1998 of General Administration Department.
2. Govt.Memo No.13964/Accom.(A1)/2008-4, dated 15.07.2008 of GA Department.
3. Order of Hon'ble High Court, dated 9.9.2011 in W.P.No.16206 of 2008.
4. Govt.Memo No.13964/UBS(R)/2008, dated 24.10.2011 of MA & UD Department.
5. Orders of Hon'ble High Court dated 26.12.2013 in W.A.No.758 of 2011.
6. Govt.Memo NO.13964/UBS(R)/2008, dated 02.04.2015 of MA & UD Department and subsequent postings for hearings.
7. Representation of Sri G.P.Vinod Kumar, dated 17.04.2015.
8. Written statement of Sri G.P.Vinod Kumar, Appellant in W.A.No.758 of 2011 dated 04.07.2015.
9. Written statement of Sri R.B.Parasmal Ranka, Respondent in W.A.No.758 of 2011, dated 31.07.2015.
10. Further representation of Sri G.P.Vinod Kumar, dated 17.08.2015.
11. Additional statement dated 11.09.2015 filed by Sri R.B.Parasmal Ranka.
12. Representation of Sri G.P.Vinod Kumar, dated 19.09.2015 and 22.09.2015.

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ORDER:

The private building bearing No.10-2-177, West Maredpally, Secunderabad belonging to R.B.Parasmal Ranka resident of pot market, Secunderabad, was allotted to G.M.Pentaiah, Deputy S.P., Chief Security Officer, Government Press under section 3(6)(iii) of A.P.Buildings (Lease, Rent and Eviction) control Act, 1960 at Rs.450/- per month by GA accommodation Department vide their Memo No.165/Accom.A/87-8, dated 21.09.1987. Subsequently the same building was re-allotted to Sri G.P.Vinod Pentaiah (S/o G.M.Pentaiah) with same rent vide memo 1st read above.

2. Sri R.B.Parasmal Ranka owner of the private premises made representation to Government that the allottee Sri G.P.Vinod Kumar is already having own house in plot No.24, teachers Colony Gunrock, Secunderabad in the name of his wife Smt.G.Madhavi which is given on rental basis and requested to cancel the allotment. After examining the representation of the landlord and after consulting Law Department and also after issuing show cause notice, final orders were issued by GA (Accom) Department vide Memo 2nd read above, canceling the allotment orders issued to Sri G.P.Vinod Kumar under section 10(2) (v) of Andhra Pradesh Buildings (Lease, Rent and Eviction) control Act, 1960. Aggrieved by these orders, Sri G.P.Vinod Kumar, filed W.P.No.16206/2008 in the Hon'ble High Court of A.P. praying to direct the respondent not to interfere with the possession and enjoyment of the petitioner over the said premises. He has also filed W.P.No.8537/2002 making Principal Secretary, Revenue, CLR, collector, Hyderabad and others as respondents against the orders issued in Government Memo No.53558/Assn.III(2)/95, dated 17.04.2002 (Revenue Department) rejecting his request

to allot the premises in house No.10-2-177 on payment of market value and the single judge of High Court on 09.09.2011 dismissed both W.Ps filed by Sri G.Vinod Kumar. The single judge observed that petitioner is not lessee of the premises and therefore not entitled for claiming premises on market value.

3. In Government memo 4th read above, Sri G.P.Vinod Kumar was directed to vacate the private building bearing Plot No.20, House No.10-2-177, West Maredpally, Secunderabad and to hand over the same to MA & UD Department failing which he will be evicted from the premises forcibly besides initiating disciplinary action against him. Against this direction also, Sri G.P.Vinod Kumar approached High Court by way of writ appeal No.758 of 2011 and obtained statuesque order on 11.10.2011.

4. The W.A.No.758 of 2011 was disposed on 26.12.2013 with the following direction: "we direct the respondents- authorities to issue a notice of hearing to the appellant and also respondent No.3 and such notice may be served upon the learned Junior Advocate appearing for the appellant, who has appeared before us. Service of notice made shall be serviced of notice upon the appellant. In spite of service, if the appellant does not turn up or take a call for attending the hearing in the matter, then the impugned order passed by the learned Single Judge will become operative and the order passed by us will stand recalled. If the appellant turns up for hearing, his contentions may be considered by the authorities concerned and thereafter an appropriate order shall be passed, in the process, either retaining, varying or modifying the earlier order or setting aside the same, whatever situation that will arise. The entire exercise shall be completed within a period of four weeks from the date of communication of this order. Accordingly, the order impugned before the learned Single Judge is kept in abeyance till fresh decision is taken. The impugned judgment and order of the learned Single Judge is accordingly set aside".

5. As per the orders of the Hon'ble High Court both parties i.e., appellant and respondent in W.A.No.758 of 2011 heard by the Special Chief Secretary to Government and both the parties placed their written arguments and counter arguments.

6. The appellant Sri G.P.Vinod Kumar has argued that the contention of the landlord that he is having own house in the name of his wife Smt.G.Madhavi in plot No.24, Teachers Colony, does not actually belong to his wife and the said property was purchased by his mother-in-law Smt.Sulochana and her remaining 5 sisters jointly and Smt.G.Sulochana executed and registered in Will Deed on 30.02.2008 under which the house constructed on plot No.24 and construction thereon is bequeathed to her daughter equally and his mother-in-law is still alive and therefore the property will rest with his mother-in-law Smt.G.Sulochana. Secondly he stated that Sri R.B.Parasmal Ranka and his family members are having several properties in the twin cities of Hyderabad and Secunderabad and he has no local standi. Thirdly he stated that he filed a representation to Principal Secretary to Government, Revenue to reconsider his request to allot schedule premises to him on payment of market value which is not disposed. Fourthly he contended that the ultimate authority to evict him and his family members vest with Rent Controller appointed by Government.

7. Countering the submissions made by appellant, Sri R.B.Parasmal Ranka (Land Lord) has also filed counter to the written statement submitted Sri G.P.Vinod Kumar. In the counter, Sri R.B.Parasmal Ranka has submitted that the scope of enquiry before the Government is only hearing on the issue of eviction and Sri G.P.Vinod Kumar can not enjoy the accommodation allotted to him as his wife acquired own house. He has also contended that Sri G.P.Vinod Kumar neither before the Learned Single Judge nor before the Division Bench took the plea that the property acquired in the name of his

wife Smt G.Madhavi's benami i.e, acquired from the funds provided her by mother Smt G.Sulochana or that she executed a registered will deed bearing document No.Book-III/199/2008 bequeathing the same in favour of the persons mentioned therein. He has further submitted that there is no dispute about the fact that the title to the property is with the wife of Sri G.P.Vinod Kumar and the contention that his mother-in-law is real owner is devoid of substance. He has further contended that the allotment of property by Government is only for the purpose of providing accommodation to Government servants who have no house of thereon and if the spouse owns house it cannot be said that the Government servant is still entitled to get the allotment, moreover when his wife is residing with him.

8. The arguments and counter arguments of both parties were examined with reference to the provisions of A.P. Building (Lease, Rent and Evictions) Control Act,1960 in consultation with Law Department and the following decision is taken.

- i) The plea of appellant Sri G.P.Vinod Kumar that the landlord has several lease hold properties in his name and his wife's name is not considerable and with regard to his representation made to Principal Secretary to Government, Revenue regarding allotment of premises on payment of market value, it is observed that since no decision taken and the matter is pending further action cannot be taken by this department. The other contention of the appellant mentioned in his written statement are also not considerable.
- ii) The contention of the appellant that the Rent Controller is competent to evict him to premises also cannot be considered at this stage since the appellant has not approached the Rent Controller against the eviction orders of the Government and approached the Hon'ble High Court for remedies but did not get favorable orders.
- iii) The stand taken earlier directing the appellant to vacate the scheduled premises following cancellation of allotment of private building premises bearing No.10-2-177, Westmaredpally, Secunderabad belonging to R.B.Parasmal Ranka, Landlord by GA Department in their Memo 1st read above, hold good.

9. Therefore, Sri G.P.Vinod Kumar, appellant a W.A.No.758 of 2011 is directed to vacate the premises No.10.2.177, Westmaredpally, Secunderabad and handover the physical possession of the premises to Sri R.B.Parasmal Ranka, Landlord immediately without any further delay it has already directed in the reference 4th read above on the pains of disciplinary action.

(BY ORDER AND IN THE NAME OF THE GOVERNOR OF TELANGANA)

M.G.GOPAL

SPECIAL CHIEF SECRETARY TO GOVERNMENT

To

Sri G.P.Vinod Kumar, allottee of private building NO.10.2.177, Westmaredpally, Secunderabad.

Sri R.B.Parasmal, Landlord, C/o Lanka Jewellaries, Resident of House No.7-2-763, Pot Market, Secunderabad.

Copy to:

The Director General of Police, Hyderabad for information and n/a.

The Commissioner of Police, Cyberabad.

The O.S.D. to Hon'ble M(MA).

The P.S. to Special Chief Secretary to Government, MA & UD Department.

Sf/sc

//FORWARDED BY ORDER//

ASSISTANT DIRECTOR